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6 Attorneys for Defendants Thomas H. Werner,  
7 Thurman J. Rodgers, W. Steve Albrecht,  
8 Betsy S. Atkins, Uwe-Ernst Bufo,  
9 Thomas R. McDaniel, Pat Wood, III,  
Dennis V. Arriola, Emmanuel T. Hernandez,  
Daniel S. Shugar, Douglas J. Richards,  
Bruce R. Ledesma, Marty T. Reese,  
10 and nominal defendant SunPower Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

1           WHEREAS, this is a consolidated shareholder derivative action against certain of the  
2 officers and directors of SunPower Corporation (“SunPower”);

3           WHEREAS, on November 16, 2009, SunPower issued a press release announcing an internal  
4 investigation by its Audit Committee;

5           WHEREAS, SunPower has not yet announced the results and completion of its internal  
6 investigation;

7           WHEREAS, pursuant to the order entered on January 4, 2010, within ten (10) days after  
8 the completion and public announcement of SunPower's internal investigation, the parties will  
9 meet and confer in good faith to arrange a schedule for the designation of an operative complaint  
10 or the filing of a consolidated derivative complaint (“Consolidated Complaint”) and a briefing  
11 schedule concerning any responsive pleading to the Consolidated Complaint; and

12          WHEREAS, it would be premature and an inefficient use of judicial resources to hold a  
13 case management conference in this consolidated action before an operative complaint were  
14 designated or a Consolidated Complaint were filed;

15          NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the  
16 undersigned parties as follows:

17           (1)       Within ten (10) days after the public announcement of the results and completion  
18 of SunPower's internal investigation, the parties will meet and confer and propose to the Court a  
19 new date for the Case Management Conference;

20           (2)       Defendants' undersigned counsel hereby accepts service of the complaints filed in  
21 the two consolidated shareholder derivative actions on behalf of all Defendants.

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1 DATED: February 18, 2010

MORRISON & FOERSTER LLP  
JORDAN ETH  
JUDSON E. LOBDELL

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4 /s/ Judson Lobdell  
5 JUDSON LOBDELL

6 Counsel for defendants Thomas H. Werner,  
7 Thurman J. Rodgers, W. Steve Albrecht, Betsy  
8 S. Atkins, Uwe-Ernst Bufo, Thomas R.  
9 McDaniel, Pat Wood, III, Dennis V. Arriola,  
Emmanuel T. Hernandez, Daniel S. Shugar,  
Douglas J. Richards, Bruce R. Ledesma, Marty  
T. Reese, and nominal defendant SunPower  
Corporation

10 DATED: February 18, 2010

JOHNSON BOTTINI, LLP  
FRANK JOHNSON  
FRANCIS A. BOTTINI, JR.  
BRETT M. WEAVER

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11 /s/ Brett Weaver  
12 BRETT M. WEAVER

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14 San Diego, CA 92101  
15 Telephone: (619) 230-0063  
16 Facsimile: (619) 238-0622

17 Co-Lead Counsel and Counsel for Plaintiff  
18 David Clarke

19 DATED: February 18, 2010

ROBBINS UMEDA LLP  
MARC M. UMEDA  
GEORGE C. AGUILAR  
ARSHAN AMIRI  
DAVID L. MARTIN

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20 /s/ David Martin  
21 DAVID L. MARTIN

22 600 B Street, Suite 1900  
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25 Facsimile: (619) 525-3991

26 Co-Lead Counsel and Counsel for Plaintiff  
27 Richard Logan

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PURSUANT TO STIPULATION, IT IS SO ORDERED

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DATED: Feb 22, 2010

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THE HONORABLE CH  
UNITED STATES D

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IT IS SO ORDERED  
  
Judge Charles R. Breyer

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1 I, Judson Lobdell, am the ECF User whose ID and password are being used to file this  
2 Stipulation and [Proposed] Order Continuing the Case Management Conference. In compliance  
3 with General Order No. 45, X.B., I hereby attest that Brett Weaver and David Martin have  
4 concurred in this filing.

5 Dated: February 18, 2010

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7 /s/ Judson Lobdell  
8 JUDSON LOBDELL  
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